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ADMITTED IN N.Y. AND N.J.

June 22, 2017

VIA ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: **United States v. Martin Shkreli and Evan Greebel**
15 CR 637 (KAM)

Dear Judge Matsumoto:

It has come to our attention from several of the witnesses on our witness list that the FBI and the United States Attorney's Office for the Eastern District of New York have contacted several of our witnesses, attempted to interview them by phone, provided them with subpoenas and asked them to come to the United States Attorney's office to be interviewed by the prosecutors and the FBI. It is also apparent based on the timing of these law enforcement approaches as well as the substance of them that the FBI is approaching these people now solely because they appeared on our witness list.

The FBI and these prosecutors know full well that a very realistic consequence of an FBI approach of a person who may have worked with the defendant in the past is to scare, intimidate, or coerce that person into not being a witness. A criminal defendant has a critical right to call witnesses on his behalf. This right is being violated intentionally on a repeated and ongoing basis by these recent law enforcement approaches. We request a hearing at 2 pm today at which the Government will state for the court and counsel which defense witnesses (witnesses on the witness list provided by the defendant) it has approached, which it has attempted to interview and which have been provided with a subpoena.

We also request an order from this Court directing the Government to cease and desist from all efforts to contact witnesses on our defense witness list unless the Government can prove that the Government had previous contact with that person prior to receiving the defense witness list.

BRAFMAN & ASSOCIATES, P.C.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marc Agnifilo', is written over a light blue horizontal line.

Marc Agnifilo

cc: All Counsel via ECF